

REMARKS/ARGUMENTS

Claim 7 has been amended without prejudice or disclaimer. Claims 1, 2, 4 – 9, and 11 - 15 remain in the application. No new matter has been added. Applicants respectfully request reconsideration of this application.

Allowable Subject matter:

The Examiner has stated that claims 1, 2, 4 - 9, and 11 - 15 have been allowed. Applicants thank the Examiner for the allowance of claims 1, 4 - 9, and 11-15. In the Examiner's discussion of allowable subject matter, the Examiner states "Applicants' invention is drawn ... throughout." See Office Action, January 25, 2007, pages 3 - 4. However, the Applicants request that their invention be interpreted as defined by the claims and not be limited by the Examiner's discussion. As such, Applicants believe the application to be in condition for allowance and an early notice of allowance is requested.

Claim Rejections - 35 U.S.C. § 103:

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lan et. al (U.S. Patent 20040214582) in view of Moshe Mishory (GB-2236606).

The Examiner has recognized that Lan does not render Applicants' other claims unpatentable, e.g. Examiner has indicated claims 1, 4 – 9, and 11-15 as allowable. Hence, claim 7 has been amended to incorporate the limitations from the allowable claim 1. As such, claim 7

now recites “each wireless data communication terminal comprising a processor operable to monitor channel status symbols inserted on the outbound channel to determine a number of busy or idle timeslots; and to regulate time intervals between successive data transmissions on said inbound channel based upon the determined number of busy or idle slots.”

Accordingly, the rejection under USC 103 (a) of claim 7, as currently amended, is believed to be overcome.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants’ attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

February 15, 2007
Motorola, Inc.
8000 West Sunrise Boulevard
Law Department – MD1610
Plantation, Florida 33322
Customer Number: 24273

By: /Barbara R. Doutre/
Barbara R. Doutre
Attorney of Record
Reg. No.: 39,505
Tel: 954-723-6449
Fax: 954-723-3871
E-Mail: docketing.florida@motorola.com